

ay



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,683	06/26/2003	Nathan Raymond Hughes	AUS920020326US1	5305

7590 12/08/2006

Andrea Pair Bryant
5202 Vista West Cove
Austin, TX 78731-1163

EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,683

Applicant(s)

HUGHES ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 10-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program product does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter). The claimed invention is directed to a judicial exception to 35 U.S.C. 101 (i.e., an abstract idea, natural phenomenon, or law of nature) and is not directed to a practical application of such judicial exception (e.g., because the claim does not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result).

See the following link:

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2614

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1, 4 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Chalon (US 2003/0014274 A1).

Regarding **claim(s) 1**, Chalon discloses a method for enhancing user satisfaction with an automated interactive computer system (paragraph 0001) comprising the steps of:

interactively ascertaining user language usage preferences (paragraphs 0046 and 0057);

creating a user profile in response to said ascertaining step (paragraph 0047);

applying said user profile to modify information from said computer system (paragraph 0051); and

presenting information so modified to said user (paragraph 0052).

Regarding **claim(s) 4**, Chalon discloses an apparatus for improving user satisfaction with an automated computer system (paragraph 0001) comprising:

means for prompting a user to indicate language usage pattern preference (paragraphs 0046 and 0057);

means for analyzing user indicated preferences (paragraphs 0046 and 0057);

means for creating a user profile (paragraph 0047);

means for storing results of said analyzing step in said user profile (paragraph 0051); and

means for modifying subsequent presentations to said user to reflect said user indicated language usage pattern preferences (paragraphs 0051 and 0052).

Regarding **claim(s) 10**, Chalon discloses a computer program product having computer readable code for improving user satisfaction with computer driven automated interactive systems (paragraph 0001), comprising:

means for prompting a user to indicate language usage (paragraphs 0046 and 0057);

means for analyzing user indicated preferences (paragraphs 0046 and 0057);

means, responsive to said means for analyzing, for creating a user profile (paragraph 0047);

means for storing results of said analyzing step in said user profile (paragraph 0051); and

means for modifying subsequent presentations to said user to reflect said user indicated language usage pattern preferences (paragraphs 0051 and 0052).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim(s) 2, 5 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalon in view of Dean et al. (US 2002/0152244 A1).

Regarding **claim(s) 2, 5 and 13**, Chalon as applied to **claim(s) 1** above differ from **claim(s) 2** for the interactive computer system comprises a Web browser.

Hayashi discloses a computer-based system but fails to specifically disclose the interactive computer system comprises at least a Web site.

However, Dean in the same field of endeavor teaches the interactive computer system comprises at least a Web site (FIG. 1 and paragraph 0050) [The system 100 uses a wide variety of web sites of the world wide web].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Chalon as modified using the system as taught by Dean.

This modification of the invention enables the interactive computer system to comprise at least a Web site so that the user would restrict the edit operations to a limited number of relevant fragments, to affect global changes (Dean: paragraph 0020).

8. **Claim(s) 3, 8, 9, 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalon in view of Nemoto (US 6,584,180 B2).

Regarding **claim(s) 3, 8, 9, 11 and 12**, Chalon as applied to **claim(s) 1** above differ from **claim(s) 3**, in that it fails to specifically disclose the interactive computer system is a telephonic response system including voice recognition and generation

functions and the ascertaining step additionally includes iteratively querying the user to determine preferred voice qualities.

However, Nemoto in the same field of endeavor teaches the interactive computer system is a telephonic response system (Automatic Voice Response 4 on FIG. 1) including voice recognition (Voice Recognition 6 on FIG. 1) and generation functions (FIG. 1 and column 7, lines 15-25); and

the ascertaining step additionally includes iteratively querying the user to determine preferred voice qualities (FIG. 2 and column 8, lines 52-66).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Chalon as modified using the automatic voice response system as taught by Nemoto.

This modification of the invention enables the interactive computer system is a telephonic response system including voice recognition and generation functions so that the system would reduce the number of times that the user is asked to repeat uttering information (Nemoto: column 2, lines 40-45).

9. **Claim(s) 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalon in view of Dean as applied to **claim(s) 4 and 5** above, and further in view of Culy et al. (US 2004/0030557 A1).

Regarding **claim(s) 6**, Chalon in combination Dean as applied to **claim(s) 5** above, differ from **claim(s) 6**, in that it fails to specifically disclose the prompting means includes means for presenting to the user a plurality of passages, each utilizing a different personal pronoun.

However, Culy, in the same field of endeavor, teaches the prompting means includes means for presenting to the user a plurality of passages, each utilizing a different personal pronoun (FIG. 4 and paragraph 0043) [The morphology file 410 contains information about syntactically and semantically suffixes of words for the user, thereby includes means for presenting to the user a plurality of passages, each utilizing a different personal pronoun].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Chalon as modified using the morphology file as taught by Culy.

This modification of the invention enables the means for presenting to the user a plurality of passages, each utilizing a different personal pronoun so that the system would be capable of understanding any of the user's utterances at any time (Culy: paragraph 0009).

Regarding **claim(s) 7**, Culy teaches the means for modifying includes means for assuring subject and verb agreement (paragraph 0071) [One of the grammar rule is a sentence that starts with a noun phrase followed by a verb phrase, thereby a means for assuring subject and verb agreement].

10. **Claim(s) 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalon in view of Nemoto as applied to **claim(s) 11** above, and further in view of Culy.

Regarding **claim(s) 14**, Chalon in combination with Nemoto as applied to **claim(s) 11** above, differ from **claim(s) 14**, in that it fails to specifically disclose the prompting means includes means for presenting to the user a plurality of passages, each utilizing a different personal pronoun.

However, Culy, in the same field of endeavor, teaches the prompting means includes means for presenting to the user a plurality of passages, each utilizing a different personal pronoun combination (FIG. 4 and paragraph 0043) [The morphology file 410 contains information about syntactically and semantically suffixes of words for the user, thereby includes means for presenting to the user a plurality of passages, each utilizing a different personal pronoun].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Chalon as modified using the morphology file as taught by Culy.

This modification of the invention enables the means for presenting to the user a plurality of passages, each utilizing a different personal pronoun so that the system would be capable of understanding any of the user's utterances at any time (Culy: paragraph 0009).

Art Unit: 2614

Regarding **claim(s) 15**, Culy teaches the means for modifying includes means for assuring subject and verb agreement (paragraph 0071) [One of the grammar rule is a sentence that starts with a noun phrase followed by a verb phrase, thereby a means for assuring subject and verb agreement].

Response to Arguments

11. Applicant's arguments with respect to **claim(s) 1-15** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald Gauthier
Primary Examiner
Art Unit 2614

GG
December 7, 2006